

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD
MONDAY, JUNE 28, 2004 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD

1. Call to Order and Roll Call

At 7:30 P.M. Acting President Parker called the Public Hearing to order. The Village Administrator led the Pledge of Allegiance, and then called the roll:

Present: Acting President Parker, Trustees Bartlett, and Forman in person,
Trustee Mazeski (via teleconferencing per Res. #1073A)

Absent: Trustee Dave Peterson

Also Present: Judy Janus, Village Administrator
J.W. Braithwaite, Village Attorney

Al Stefan, Baxter & Woodman

Bobbie Svacha, Village Treasurer

Kelly Rafferty, Building and Zoning Officer

Natalie Karney, Health Officer

Deborah Ashen, 217 N. Jefferson, Chicago

Timothy Pattison, 197 Kimberly Road

Bruce J. Sauer, 23 Hidden Brook Drive

Teresa Jennings, 10601 Hagers Bend, Barrington Hills

John Cifonelli, 297 Oxford Road

Martin Pais, Plan Commission Chairman

R. Bond, S. Miod, 5210 Otto, Chicago

Allen & Susan Ende, 21642 N. Hanover Hills Road, Barrington

Joseph Arizzi, Wauconda Fire Department

Julie Swano, 405 Concord Lane

2. Legal Notice (see attached legal notice & description)

3. Public Comment on the request of Bickerstaff Builders, Inc. (contract purchaser) and Manfred Schwan (property owner) for an Amendment to the existing Annexation Agreement (dated May 20, 1987). The property is commonly known a 210 Rainbow Road and PIN 13-25-200-025.

Acting President Craig Parker asked that anyone who wished to speak during the Hearing to be sworn in. The speakers were sworn in.

Tim Pattison, 182 Kimberly Road, introduced himself as the contract purchaser of the property at 210 Rainbow Road. Mr. Pattison explained that he is a North Barrington resident and currently resides in the house where he was raised at 182 Kimberly Road. Mr. Pattison

explained that he had always been fascinated by the property at 210 Rainbow Road and had approached the owner of the property, Mr. Manfred Schwan, also a North Barrington resident, two and a half years ago about purchasing the property. Mr. Pattison explained that after sometime, Mr. Schwan agreed to sell the property, but for an amount that was too much for a single family home site. After some negotiating, there was an agreement that Mr. Pattison would purchase the property contingent upon getting subdivision approval for the property.

Mr. Pattison explained that he drew up a preliminary plan, and gave a presentation to the Village Board in October of 2002 to get a feel if the Board would be in favor of such a development. Mr. Pattison explained that the Board had expressed an interest in the development, as did area neighbors. Mr. Pattison explained that the property has been considered by some to be an "urban legend" and thus a magnet for kids looking for a place to party for many years. This has been a major concern to neighbors, causing problems with kids parking on private property, excessive trash, and constant calls to the police for trespassing. Mr. Pattison explained that the neighbors did have a concern about the number of homes, the quality of homes, and legitimate concerns about drainage issues on the subject property as well as the surrounding properties. Mr. Pattison explained that he was seeking to build six homes on the property, which was less dense than the adjacent Arboretum subdivision. He explained that he was setting up a drainage system to include the existing pond, as well as to dig an additional pond for controlled release of stormwater. He noted that the subject property was 17.8 acres, but the development would be collecting drainage from 27.5 acres in an attempt to help the drainage situation with the Arboretum as well as neighbors to the north and south.

Mr. Pattison discussed the heavily wooded site, and explained that he had situated the homes and road in order to minimize the impact on the trees. He said that he was proposing curbs and gutters for the subdivision, rather than open ditches, in order to contain and control the water runoff as the site contains steep grades. He explained that all the lots had passed the soil surveys and percolation tests. He explained that he was seeking variances from three sections of the Village Code: 1) a variance allowing a street ending in a cul-de-sac to be longer than 800 feet, a variance to the Subdivision Ordinance allowing the installation of curbs and gutters rather than drainage swales as well as allowing the installation of related drainage and stormwater detention facilities, 3) a variance for the proposed septic expansion field location for Lot 2. Mr. Pattison explained that the expansion field is separated from the proposed house and proposed primary septic field by wetlands, wetland buffer and a drainage easement. He noted that the Environmental & Health Commission had recommended approved of the submitted variance request.

Mr. Pattison explained that he was proposing to build 6 homes on the property, the first of which would be for his family. He said that the other homes would not be spec homes, but built for individual custom homeowners. He listed other advantages to the subdivision including the cleaning up of the troublesome area as well as additional income for the Village by means of tax revenue.

Mr. Pattison explained that the biggest hurdle had been the Amendment to the Annexation Agreement, and that to date he had collected 10 of the 11 required signatures, including those of two residents which had formally objected to the subdivision. He noted that the resident who was the "11th signature" had been out of town on vacation, and that he was expecting to secure the signature on the resident's return.

There were some questions for Village Attorney J. W. Braithwaite about the Annexation Agreement. Mr. Braithwaite explained that the subject property, along with property now known as the Arboretum Subdivision, was annexed to the Village as part of the Arboretum Subdivision in 1987 and the 1987 Annexation Agreement provided that the entire property would be divided into 17 lots. Lots 16 and 17 consist of 17.9 acres and are the property known as 210 Rainbow Road. The remaining portion was divided into an 11 lot subdivision, known as the Arboretum. Mr. Braithwaite explained that the Annexation Agreement is due to expire in 2007. He noted that the current zoning of the unused parcel is 5 acre zoning, but when the Annexation Agreement expires, the then property owner could make a case to rezone the property for higher density housing.

Plan Commission Chairman Martin Pais addressed the Board. He explained how the Village Health Officer, Building and Zoning Officer, Forester, as well as Engineers had addressed the Plan Commission and all had stated that the proposed subdivision was compliant with all Village requirements. Chairman Pais explained that the subdivision would have a Homeowners Association (HOA) with a back up Special Service Area to maintain the detention and wetland areas. Chairman Pais noted that there had been lengthy discussion about the trees between proposed Lot 6 and the resident at 130 Arboretum, John Matthews. He said that Mr. Matthews was concerned about the location of the driveway at Lot 6, as well as the potential loss of trees at the lot line, and the Plan Commission included in their recommendation to the Board that a conservation easement be created along the east property line of Lot 6 as determined by the Village Forester and the Village Board.

Tim Pattison addressed the Board. He explained that originally, Mr. Matthews was concerned with the loss of trees, and in particular a shagbark hickory tree. He explained that since the Plan Commission Meeting, he had met with the homeowner, Village Forester Susan Allman and Trustee Bartlett at the site, and it was determined that the tree in question was 35 feet onto Mr. Matthews' property with a canopy of 20 feet. He explained that there would be no disruption to this tree by any building at Lot 6, and the proposed driveway was not visible from Mr. Matthews' house. Mr. Pattison noted that the houses and driveways were merely depictions on the Preliminary Plat, as the homes would be custom built homes and would fall under jurisdiction of the Village's building and setbacks restrictions. Mr. Pattison explained that Mr. Matthews has removed his previous objections and had signed the Amendment to the Annexation Agreement.

The Trustees agreed that Mr. Pattison had presented a plan that would benefit the Village, the surrounding properties and retain the natural beauty of the property.

4. Adjournment

Motion: Trustee Forman moved to adjourn the Public Hearing; seconded by Trustee Bartlett.

Discussion: There was no discussion.

Vote on Motion

By Roll Call:	Ayes:	Acting President Parker, Trustees Bartlett, Mazeski and Forman
	Nays:	None
	Absent:	Trustee Peterson
	Abstain:	None

At 8:10 p.m. Acting President Parker declared the Public Hearing adjourned.

These Minutes were approved by the Board at a meeting held August 23, 2004.

Attest: _____

Kathy Nelander, Village Clerk